

REMARKS

Claims 1-15 are pending in this application. Claims 8-15 are withdrawn from consideration. Claims 1 and 8 are independent. In light of the amendments and remarks included herein, Applicant respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner objected to claim 1 asserting “the layers” lack antecedent basis. The Examiner further rejected claims 1, 2, 5 and 7 under 35 U.S.C. §102(b) as being anticipated by *Ogawa* (USP 6,188,119); and rejected claims 3, 4, and 6 under 35 U.S.C. §103(a) as being unpatentable over *Ogawa*. Applicant respectfully traverses these rejections.

By this amendment, Applicant has amended claim 1 to more appropriately recite the present invention. It is respectfully submitted that this amendment is being made without conceding the propriety of the Examiner’s rejections, but merely to timely advance prosecution of the present application.

Claim Objections

In the outstanding Official Action, the Examiner objected to claim 1 asserting that the term “the layers” lack antecedent basis. Claim 1 has been amended to more properly identify the first and second layers of the electrode. It is respectfully requested that the outstanding objection be withdrawn.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claim 1 asserting *Ogawa* teaches all of the elements of the claim. Applicant respectfully notes that the disclosure of *Ogawa* is directed to semiconductor device having a barrier metal layer between a silicon electrode and metal electrode. Specifically, at col. 5, lines 33-50, *Ogawa* discloses as follows:

The semiconductor device of this embodiment is constructed from: ... gate insulation film 7 formed on p-well 2; charge transfer electrode 8 composed of polysilicon formed on gate insulation film 7; oxide film 9 formed so as to cover charge transfer electrode 8 and having contacts 12 on charge transfer electrodes 8; charge transfer electrode 10 composed of polysilicon formed on oxide film 9 and gate isolation film 7; **oxide film 11 formed so as to cover charge transfer electrode 10** and having contacts 12 on charge transfer electrode 10; barrier metal layer 15 made up of a metal silicide formed on the surface of charge transfer electrodes 8 and 10 exposed within contacts 12; and shield film 13 formed over contacts 12 and oxide film 11. (emphasis added)

The present invention as set forth in amended claim 1 recites, *inter alia*, a solid-state image pickup device comprising a sidewall dielectric film formed on sidewalls of the first and second electrode layers and a metal silicide film formed on the surfaces of the first and second electrode layers exposed from the sidewall dielectric film. As can be seen at least in Fig. 2, *Ogawa* clearly discloses the metal silicide film being formed substantially over the top surface of the electrode layers. As such, Applicant respectfully submits that *Ogawa* fails to teach or suggest a sidewall dielectric film formed on sidewalls of the first and second electrode layers and a metal silicide film formed on the surfaces of the first and second electrode layers exposed from the sidewall dielectric film, as recited in amended claim. 1 Thus, Applicant respectfully submits that *Ogawa* fails to anticipate claim 1, as amended. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-7 are allowable for the reasons set forth above with regard to claim 1, at least based upon their dependency on claim 1.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 3, 4, and 6 asserting these claims are obvious in light of the teachings of *Ogawa*.

In order to sustain a rejection under 35 U.S.C. § 103(a), it is respectfully submitted that the Examiner must meet his burden to establish a *prima facie* case. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.” *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In support of the Examiner’s rejection of claim 3, the Examiner admits that *Ogawa* does not disclose the silicon conductive film being a doped polycrystalline silicon film. However, the Examiner fails to provide a secondary reference that cures the deficiencies of the teachings of *Ogawa*. Given the deficiencies of *Ogawa*, the Examiner has failed to establish *prima facie* case of obviousness by failing to provide references that teach or suggest all of the claim elements. Similar deficiencies exist for the Examiner’s rejection of claims 4 and 5 and thus, it is respectfully requested that the outstanding rejection be withdraw.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Application No.: 10/733,384

Docket No.: 0649-0927P

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: July 12, 2005

Respectfully submitted,

By Mara Weiner (B No 46,009)
~~Mara S. Weiner~~

Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant